

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOEY L. JUSHAWAY

PLAINTIFF

V.

NO. 4:08CV004-P-D

CHRISTOPHER EPPS, et al.

DEFENDANTS

FINAL JUDGMENT

The Plaintiff, an inmate proceeding pro se, filed this complaint pursuant to 42 U.S.C. § 1983. The Plaintiff's complaint included a claim for retaliation. Specifically, Jushaway was seeking judicial review of MDOC's visitation ban which prohibited his wife—a former MDOC employee—from visiting him while incarcerated. Following an evidentiary hearing, the Magistrate Judge recommended dismissal of the Plaintiff's claim. The Plaintiff has filed objections to the report and recommendation arguing that he should have been appointed counsel for the hearing and reasserting the already known and previously discussed facts of his claim.

The court finds that for reasons stated in the Report and Recommendation dated April 14, 2009, the Plaintiff's objections are not well taken. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. Therefore, it is

ORDERED:

1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are **OVERRULED**;

2) the Report and Recommendation of the United States Magistrate Judge dated April 14, 2009, is hereby **APPROVED** and **ADOPTED** as the opinion of the court;

3) the Plaintiff's complaint is **DISMISSED** with prejudice and all Defendants are **DISMISSED**;

4) the Plaintiff's motion for summary judgment (docket entry 64) is **DENIED**;

- 5) the Plaintiff's motion for counsel (docket entry 72) is DENIED;
- 6) the Plaintiff's motion for exhibits (docket entry 73) is DENIED; and
- 7) this matter is CLOSED.

THIS the 28th day of July, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE